

positioned near a second end portion of each of the wall members.

REMARKS

Reconsideration is respectfully requested.

The Examiner's rejections will be considered in the order of their occurrence in the Official Action.

Paragraph 1 of the Office Action

With regard to the list of references in the specification, the Examiner's comments are understood and appreciated.

Paragraph 2 of the Office Action

The drawings have been objected to.

Submitted under separate cover and addressed to the Examiner is applicant's proposed amendment of the drawing. Specifically, in Figure 1 of the drawings as originally filed, the reference number "15a" is added in red ink.

In light of the proposed drawing amendment, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

Paragraph 4 of the Office Action

The disclosure is objected to because of the following informalities: The differences of the two embodiments were not disclosed in the specification.

The specification has been amended so as to reflect the suggestions noted in the Office Action.

Withdrawal of any objection to the disclosure is respectfully requested.

Paragraphs 5 and 6 of the Office Action

Claims 1-8 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claims 5 and 6 is therefore respectfully requested.

Paragraphs 7 and 8 of the Office Action

Claims 1-3 have been rejected under 35 U.S.C. §102(b) as being anticipated by Reardon et al. (US Patent 3,069,199).

Claim 1 (and claim 8), particularly as amended, requires “*a means for bracing said first and second wall members in upright positions upon respective sidewalls of a pickup truck box for essentially extending the sidewalls of a pickup truck box, the means for bracing being located near a first end portion of each of the wall members*” and “*a means for lockably latching said first and second walls members together in a closed position, said means for locking being located near a second end portion of each of the wall members.*” (emphasis added). Applicant’s requirements of having the bracing means and the locking means at opposite ends of the wall members provides better stability to the wall members when the wall members are in a closed position. This feature ensures that the wall members will be better secured during transportation and provides the benefit of reducing possible danger from one end of the device opening during use.

The Reardon reference teaches a cover for a pick-up truck having wall members. The Reardon reference teaches a hook for extending through a hasp through a notch to lock the cover. Thus, Reardon teaches that two places on the cover are locked through

their connection with a rotating rod. Reardon does not teach a means for bracing at one end of the wall member and a means for locking located at another end of the wall members. Further, the Reardon cover would not lead one to Applicant's requirements, as the structure of the Reardon device is made to have multiple means for bracing.

Withdrawal of the §102(b) rejection of claims 1-3 is therefore respectfully requested.

Paragraphs 9 – 12 of the Office Action

Claims 1-3 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Beals (US Patent 4,531,775) in view of Reardon et al. (US Patent 3,069,199).

Claims 4-8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Beals as modified by Reardon et al. as applied to claims 1-3 above, and further in view of Jordan (US Patent 5,183,309).

Claim 1 (and claim 8), particularly as amended, requires “*a means for bracing said first and second wall members in upright positions upon respective sidewalls of a pickup truck box for essentially extending the sidewalls of a pickup truck box, said means for bracing being located near a first end portion of each of the wall members*” and “*a means for lockably latching said first and second walls members together in a closed position, said means for locking being located near a second end portion of each of the wall members.*” (emphasis added). Applicant's requirements of having the bracing means and the locking means at opposite ends of the wall members provides better stability to the wall members when the wall members are in a closed position. This feature ensures that the wall members will be better secured during transportation and provides the benefit of reducing possible danger from one end of the

device opening during use.

The Beals reference teaches a security cover having a locking means that attaches a plate to two legs that extend the length of one of the wall members with a locking member at the top of the plate. Thus, Beals teaches a means for locking one portion of the truck cover. Beals does not teach a separate means for bracing located at one end of the wall member and a means for locking at another end of the wall members.

The Reardon et al. reference teaches a cover for a pick-up truck having wall members. The Reardon reference teaches a hook for extending through a hasp through a notch to lock the cover. Thus, Reardon teaches that two places on the cover are locked through their connection with a rotating rod. Reardon does not teach a means for bracing at one end of the wall member and a means for locking located at another end of the wall members. Further, the Reardon cover would not lead one to Applicant's requirements, as the structure of the Reardon device is made to have multiple means for bracing.

The Jordan reference teaches a truck tonneau having a means for bracing a wall member such that the wall member pivots away from the side wall of a truck rather than pivoting away from the center of the truck. The Jordan reference teaches a means for locking located directly opposite the means for bracing near the center of the wall members. Jordan does not teach a means for bracing and a means for locking wherein the two are located at opposite longitudinal ends from each other.

None of the references show or suggest Applicant's requirements of a separate means for locking and means for bracing wherein the means are each located at opposite ends of the wall members.

Withdrawal of the §103(a) rejection of claims 1 -- 8 is therefore respectfully requested.

Paragraph 13 of the Office Action

Applicant is advised that should claim 7 be found allowable, claim 8 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

With regard to this paragraph, the Examiner's comments are understood and appreciated.

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,



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